

## REMARKS

### I. STATUS OF CLAIMS

In this Amendment, all previously pending claims are canceled, and claims 24-40 are new.

Independent claim 24 recites a method for treating a respiratory coronavirus infection, and is supported, for example, by the original claims and by paragraphs [0010], [0013], [0015], and [0016] of the specification.

Independent claim 33 recites a method for stimulating the immune response in a patient at high risk of exposure to SARS, and is supported, for example, by the original claims and by paragraphs [0010], [0012], [0013], [0015], and [0016] of the specification.

The remaining claims find support in the original claims as filed.

No new matter has been introduced. Entry and consideration of this Amendment are respectfully requested.

### II. APPLICANT'S INTERVIEW SUMMARY

A telephonic interview was held on January 20, 2010 between Examiner Niebauer and George Fox on behalf of the Applicants. An Examiner Interview Summary dated February 4, 2010 has been received. The Examiner's interview summary is believed to be an accurate summary of the interview.

### III. RESPONSE TO REJECTION UNDER 35 USC §112, SECOND PARAGRAPH

At pages 3 to 5 of the Office Action, claims 1, 3-6, 10-14, 16-18 and 23 are rejected under 35 USC §112, second paragraph, as being indefinite. Specifically, the Office Action asserts that these claims employ relative language (i.e., "substantially").

New claims 24 to 40 do not employ the term “substantially” nor any indefinite relative language.

Accordingly, withdrawal of this rejection is respectfully requested.

**IV. RESPONSE TO REJECTION UNDER 35 USC §112, FIRST PARAGRAPH (WRITTEN DESCRIPTION)**

At pages 5 to 14 of the Office Action, claims 1, 3-6, 10-14, 16-18 and 23 are rejected under 35 USC §112, first paragraph, as allegedly not being in compliance with the written description requirement.

New claims 24 to 40 recite the limitation of previous claim 7, “Thymosin alpha 1.” Claim 7 was not rejected as lacking written description.

Accordingly, withdrawal of this rejection is respectfully requested.

**V. RESPONSE TO REJECTION UNDER 35 USC §112, FIRST PARAGRAPH (ENABLEMENT)**

At pages 14 to 25 of the Office Action, claims 1, 3-14, 16-18, and 20-23 are rejected under 35 USC §112, first paragraph, as allegedly not being sufficiently enabled by the specification.

New claims 24 to 40 recite administering to a patient having a coronavirus respiratory infection (claims 24-32) or at high risk of such infection (claims 33-40), an effective amount of Thymosin alpha-1 (TA1) sufficient to stimulate the patient’s immune system, wherein the TA1 is administered at least once daily by subcutaneous injection.

Attached hereto is the description and results of an experimental study (labeled Expt. No. NIAS-153), showing that at least once daily administration, by subcutaneous injection, of Thymosin alpha-1 has a statistically significant effect on SARS lung titers.

Thus, withdrawal of the rejection is respectfully requested.

### CONCLUSION

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. However, the Examiner is requested to call the undersigned with any questions or comments.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

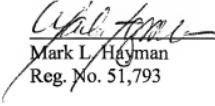
Dated: 2-16-2010

COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
777 6<sup>th</sup> Street NW, Suite 1100  
Washington, DC 20001

Tel: (202) 842-7800  
Fax: (202) 842-7899

By:

Respectfully submitted,  
COOLEY GODWARD KRONISH LLP

  
Mark L. Hayman  
Reg. No. 51,793